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9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

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|------------------------------|---|-------------------------------------|
| 11 UNITED STATES OF AMERICA, |) | Case No. Mag. 05-053 PAN |
| |) | |
| 12 Plaintiff, |) | <u>STIPULATION REGARDING</u> |
| |) | <u>EXCLUSION OF TIME UNDER</u> |
| 13 v. |) | <u>SPEEDY TRIAL ACT; [PROPOSED]</u> |
| |) | <u>ORDER</u> |
| 14 SEREY VAN, |) | |
| |) | |
| 15 Defendant. |) | |
| 16 _____ |) | |

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18 Plaintiff United States of America, by and through its
19 counsel of record, Assistant United States Attorneys S. Robert
20 Tice-Raskin and Courtney J. Linn, and defendant, by and through
21 her counsel of record, Robert Holley, hereby stipulate as
22 follows:

23 1. The Complaint in this case was filed on or about
24 February 22, 2005.

25 2. Defendant was arrested on February 23, 2005. Defendant
26 first appeared before Magistrate Judge Peter Nowinski, a judicial
27 officer in the court in which this charge is pending, on February
28 24, 2005.

3. Defendant has been advised of her rights as required by Rule 5, Fed. R. Crim. P., including her right to have a preliminary hearing.

4. By previous stipulation and order, defendant waived her right to a preliminary hearing.

5. The Speedy Trial Act of 1974, 18 U.S.C. § 3161 et seq., requires that an indictment or information be filed against defendant on or before 30 days of her arrest, i.e., on or before March 26, 2005. By previous stipulation and order, defendant moved to extend the deadline for filing of charges to July 1, 2005.

6. By this stipulation, defendant moves to extend the deadline for filing of charges to August 1, 2005. Plaintiff does not oppose this request.

7. The parties agree and stipulate, and request that the Court find the following:

a) The government has made a package plea offer to defendant and her spouse, Thomas Van. Counsel for defendant desires additional time to consult with his client, to review the current charges, to conduct investigation related to the charges, to review discovery, and to review and discuss the potential pre-indictment disposition of the charges with the government.

(Bruce Locke has been appointed to represent Thomas Van, but has advised the government he has not yet been able to confer with him).

1 b) Counsel for defendant believes that failure to
2 grant the above-requested extension would deny him the reasonable
3 time necessary for effective preparation, taking into account the
4 exercise of due diligence.

5 c) The government does not object to the continuance.

6 d) Counsel for defendant has specifically discussed
7 all of the contents of this stipulation with his client and
8 represents that his client concurs with the contents of this
9 stipulation.

10 e) Based on the above-stated findings, the ends of
11 justice served by continuing the case as requested outweigh the
12 interest of the public and the defendant in charging within the
13 original dates prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy
15 Trial Act, 18 U.S.C. § 3161, et seq., within which an information
16 or indictment must be filed, the time period from July 1, 2005 to
17 August 1, 2005, inclusive, is deemed excludable pursuant to 18
18 U.S.C. § 3161(h)(8)(A) and B(iv) because it results from a
19 continuance granted by the judge at defendant's request on the
20 basis of the judge's finding that the ends of justice served by
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1 taking such action outweigh the best interests of the public and
2 the defendant in speedy formal charging.

3 IT IS SO STIPULATED.

4 DATED: 6/28/05

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6 /s/ Tice-Raskin
7 S. ROBERT TICE-RASKIN
8 COURTNEY J. LINN
Assistant United States Attorneys

9 DATED: 6/28/05

10 /s/ Robert Holley
11 ROBERT HOLLEY
12 Counsel for Defendant SEREY VAN

13 O R D E R

14 IT IS SO FOUND AND ORDERED.

15 Dated: June 29, 2005.

16 /s/ Peter A. Nowinski
17 PETER A. NOWINSKI
18 Magistrate Judge
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